

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT

MARILYN GAIL ALDRIDGE

Plaintiff

VS.

99 CENTS ONLY STORES, LLC
AND 99 CENTS ONLY STORES
TEXAS, INC.

Defendants

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CIVIL NO.: 4:20-CV-04304

DEFENDANTS NOTICE OF REMOVAL

COMES NOW, 99 CENTS ONLY STORES LLC and 99 CENTS ONLY STORES TEXAS, INC., Defendants and files this their Notice of Removal pursuant to 28USC §1446(a), and hereby removes this case from the 61st Judicial District Court in Harris County, Texas to the United States District for the Southern District of Texas.

Defendant has denied the claims and damages alleged in Plaintiff's Original Petition and files this notice without waving any claims, defenses, exceptions or obligations that may exist in its favor in State or Federal Court.

I.
INTRODUCTION

99 CENTS ONLY STORES LLC AND 99 CENTS ONLY STORES TEXAS, INC., are Defendants in a civil action commenced on September 14, 2020, in the 61st District Court in Harris County, Texas. The style of the case is Marilyn Gail Aldridge vs. 99 Only Stores LLC and 99 Cents Only

Stores Texas, Inc., Cause No. 2020-56174.

Pursuant to the local rules of the Southern District of Texas copies of all pleadings and orders served in the State Court are attached along with the index of the State Court documents. The address for the Judicial District Court is Harris County Judicial District Court is 201 Caroline St., Suite 420, Houston, Texas 77002.

Plaintiff in the State Court Action is Marilyn Gail Aldridge and her attorneys are Brant J. Stogner and Angelina Wike, ABRAHAM, WATKINS, NICHOLS, SORRELS, AGOSTO, AZIZ & STOGNER, 800 Commerce Street, Houston, Texas 77002. Tel. (713) 222-7211. Brant J. Stogner's State Bar Number is 24038389 and his email address is bestogner@awtxlaw.com; Angelina Wike's State Bar Number is 24091852 and her email address is awike@awtxlaw.com.

99 CENTS ONLY STORES LLC AND 99 CENTS ONLY STORES TEXAS, INC., Defendants are represented by Michael J. Griffin, III, Griffin & Griffin, 3003 South Loop West, Suite 206, Houston, Texas 77054, Tel. 713/228-6568, Email: Michael@griffinandgriffin.us, SBN: 08463020.

There are no other parties to this civil action.

II.
BASIS FOR REMOVAL

Defendants have filed an Answer in the State District Court Action. The lawsuit was filed in Harris County on September 14, 2020 and the Defendants were served on December 1, 2020. This Notice of Removal is filed within thirty (30) days of the receipt of the citation and petition and is timely filed pursuant to 28 U.S.C. section 1446 (b).

The District Courts of the United States have original jurisdiction of this action based on Diversity of Citizenship among the parties, in that every Defendant is now and was at the time this action was filed, diverse in citizenship from the Plaintiff. Defendants are and were at the time this lawsuit was filed citizens of a state other than Texas.

As stated in Plaintiff's Original Petition, Plaintiff is a resident of Galveston County, Texas. As stated in Plaintiff's Original Petition Defendants are foreign entities authorized to do business in Texas.

Specifically, 99 Cents Only Stores LLC is a California LLC and Defendant 99 Cents Only Stores Texas Inc. is a Delaware Corporation.

Exclusive of interest and costs the amount in controversy exceeds the sum of \$75,000. As reflected in Plaintiff's Original Petition, Plaintiff's damages are over \$200,000.00 but not more than \$1,000,000.00.

Removal of the State Court Action is proper pursuant to 28 U.S.C. Section 1441 since it is a civil action brought in the State Court and the Federal District Court has original jurisdiction over the subject matter under 28 U.S.C. section 1332 (a) as Plaintiff and Defendants are diverse in citizenship.

Defendants respectfully demand a trial by jury on all issues in the case.

WHEREFORE PREMISES CONSIDERED Defendants respectfully pray that the Court, pursuant to the statutes and in conformity with the requirements set forth in 28 U.S.C. Section 1446, remove this action from the 61st District Court of Harris County, Texas to this Honorable Court and the Southern District of Texas.

Respectfully submitted,

Date: 12/18/2020

Michael J. Griffin

MICHAEL J. GRIFFIN III

SBN: 08463020

FEDERAL I.D. NO. 9661

GRIFFIN & GRIFFIN

3003 South Loop West, Suite 206

Houston, Texas 77054-1372

(713) 228-6568 Tel.

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Michael@griffinandgriffin.us

**ATTORNEY FOR DEFENDANTS
99 CENTS ONLY STORES LLC AND
99 CENTS ONLY STORES TEXAS,
INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel of record by certified mail, return receipt requested, e-service, e-mail, facsimile transmission, and/or hand delivered by messenger, on this the 18th day of December 2020.

Via Facsimile 832/383-0637

Jermaine L. Hayden
LAW OFFICE OF JERMAINE L. HAYDEN
5959 W. Loop South, Suite 595
Bellaire, Texas 77401
Tel. 832/846-4878
attorneyjhayden@gmail.com

Date: 12/18/2020

Michael J. Griffin

MICHAEL J. GRIFFIN, III

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT

MARILYN GAIL ALDRIDGE

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CERTIFICATE OF INTERESTED PERSONS

Pursuant to Fed. R. Civ. P.7.1 and LR 3.1©, LR 3.2€, LR 7.4, LR 81.1(a)(4)(D), and LR 81.2, 99 CENTS ONLY STORES LLC and 99 CENTS ONLY STORES TEXAS, INC., Defendants provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock: 99 CENTS ONLY STORES LLC and 99 CENTS ONLY STORES TEXAS, INC.

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

99 CENTS ONLY STORES LLC AND 99 CENTS ONLY STORES
TEXAS, INC., Defendants, Michael J. Griffin, III – Defendant's Attorney;
MARILYN GAIL ALDRIDGE – Plaintiff, Brant J. Stogner and
Angelina Wike – Plaintiff's Attorneys.

Respectfully submitted,

Date: 12/18/2020

Michael J. Griffin

MICHAEL J. GRIFFIN III
SBN: 08463020
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**ATTORNEY FOR DEFENDANTS
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Brant J. Stogner
bstogner@awtxlaw.com
Angelina Wike
awike@awtxlaw.com
ABRAHAM, WATKINS, NICHOLS,
SORRELS, AGOSTO, AZIZ & STOGNER
800 Commerce Street
Houston, Texas 77002
Tel. 713/222-7211
Fax. 713/225-0827

Date: 12/18/2020

Michael J. Griffin

MICHAEL J. GRIFFIN III

UNITED STATES DISTRICT COURT
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LIST OF COUNSEL OF RECORD

Plaintiff in the State Court Action is Marilyn Gail Aldridge and her attorneys are, Brant J. Stogner and Angelina Wike, ABRAHAM, WATKINS, NICHOLS, SORRELS, AGOSTO, AZIZ & STOGNER, 800 Commerce Street, Houston, Texas 77002. Tel. (713) 222-7211. Brant J. Stogner's State Bar Number is 24038389 and his email address is bestogner@awtxlaw.com; Angelina Wike's State Bar Number is 24091852 and her email address is awike@awtxlaw.com.

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Respectfully submitted,

Date: 12/18/2020

Michael J. Griffin

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INDEX OF DOCUMENTS TO BE FILED WITH NOTICE OF REMOVAL

1. Plaintiff's Original Petition filed on September 14, 2020 in Cause No. 2020-56174;
2. Proof of Service on 99 Cents Only Stores, LLC on December 1, 2020;
3. Defendant's Original Answer filed on December 16, 2020;
4. Defendant's Notice of Removal.